

H. B. 2150

(By Delegates Howell, Hamrick, J. Nelson, Statler, Walters,
Arvon, Blair, Kessinger, Weld, McGeehan and Kurcaba)

[Introduced January 20, 2015; referred to the

Committee on Roads and Transportation then the Judiciary.]

A BILL to amend and reenact §17C-15-34 of the Code of West Virginia, 1931, as amended, relating to motor vehicle equipment; prohibiting the modification of mufflers resulting in excessive noise levels; and providing an exception.

Be it enacted by the Legislature of West Virginia:

That §17C-15-34 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 15. EQUIPMENT.

§17C-15-34. Mufflers; prevention of noise, fumes and smoke; violations.

(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise. ~~Such~~ The muffler shall be the muffler originally installed by the manufacturer of the vehicle or, if a replacement, the equivalent thereof. ~~No~~ A person ~~shall~~ may not use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and

1 adjusted as to prevent the escape of excessive fumes or smoke.

2 (c) A person may not modify the exhaust system of a motor vehicle in a manner so that the
3 exhaust system emits in excess of ninety-five decibels as measured by the Society of Automotive
4 Engineers (SAE) Standard J1169 (May 1998). It is not a violation of this section, unless proven by
5 proper authorities, that the exhaust system modification results in noise amplification in excess of
6 ninety-five decibels under the prescribed SAE test standard.

7 (d) A court may dismiss any action for which a person is prosecuted for operating a vehicle
8 in violation of subsection (c) of this section if it is found that the defendant had reasonable grounds
9 to believe that the vehicle was not operated in violation of this section.

NOTE: The purpose of this bill is to prohibit the modification of mufflers resulting in excessive noise levels. The bill also provides an exception.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.